

**REMARKS**

Claims 1-48 were presented for examination. Claims 1-20 and 30-40 are allowed, and claims 21-24 are rejected. Claims 25-29 are objected to as depending upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In the current amendment, claims 21, 26, and 29 have been amended, and claim 25 canceled. No new matter has been introduced. Upon entry of the current amendment, claims 1-24 and 26-48 will be pending in this application, of which claims 1, 17, 21, and 30 are independent. Applicants submit that pending claims 1-24 and 26-48 are in condition for allowance.

The following comments address all stated grounds of rejection. Applicants urge the Examiner to pass the claims to allowance in view of the remarks set forth below.

**Information Disclosure Statements**

The Examiner indicates that the Information Disclosure Statement of February 28, 2005, has been fully considered except for items CG, C17, and C19, which the Examiner indicates were illegible. Applicants are separately submitting a Third Supplemental Information Disclosure Statement today via first class mail and enclose herein a courtesy copy of the Information Disclosure Statement for the Examiner. Applicants include in the Third Supplemental Information Disclosure Statement copies of documents for items CG, C17, and C19 addressing the issues noted by the Examiner.

**Claim Amendments**

Claim 21 has been amended to include the allowable claim limitations of canceled claim 25. Claims 26 and 29 have been amended to depend on amended independent claim 21 instead

of canceled claim 25. No new matter has been introduced. Applicants submit that the presently pending claims are in condition for allowance.

### **Claim Rejections Under 35 U.S.C. §102**

#### **I. Claims 21-23 Rejected Under 35 U.S.C. §102 As Anticipated By Ross**

Claims 21-23 are rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 5,553,139 to Ross et al. (“Ross I”), and U.S. Patent No. 5,553,143 to Ross et al. (“Ross II”) (collectively “Ross”). Claim 21 is an independent claim, and claims 22-23 depend on and incorporate the patentable subject matter of independent claim 21, as amended. Applicants respectfully traverse this rejection and submit that Ross fails to disclose each and every element recited in claims 21-23, as amended.

#### **A. Amended Independent Claim 21 Patentably Distinguished Over Ross**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Independent claim 21 is directed towards a method for authenticating a third device to a first device. Amended claim 21 recites transmitting by the first device a first message to the third device, and a second message to a second device. The second device transmits a second key of the second message to the third device, which obtains a first key of the first message using the second key. The method includes transmitting by the third device a third message to the first device.

Ross does not disclose *transmitting by the third device a third message to the first device*. Rather, Ross describes the distribution of encrypted license keys to resellers to provide installers licenses to install the software. The reseller decrypts the encrypted licenses using a reseller password and provides installers via phone or by mail a license for installing the software product. Ross also distributes to end users encrypted licenses with the product, and the end users

obtain an enabler key to unlock the license to use the software. Ross does not discuss sending the encrypted license in a message from a first device to a second device, and the second device sending the license from the message to a third device, and the third device sending a message to the first device. As such and in contrast to the claimed invention, Ross fails to disclose *transmitting by the third device a third message to the first device.*

Because Ross fails to disclose each and every element of the claimed invention, Applicants respectfully request the Examiner reconsider and withdraw the Examiner's rejection of claim 21 under 35 U.S.C. §102. Claims 22-23 depend on and incorporate the patentable subject matter of independent claim 21. Thus, claims 22-23 are not anticipated by Ross. Accordingly, Applicants also respectfully request the Examiner reconsider and withdraw the Examiner's rejection of claims 22-23 under 35 U.S.C. §102.

### **Claim Rejections Under 35 U.S.C. §103**

#### **II. Claim 24 Rejected Under 35 U.S.C §103 As Unpatentable**

Claim 24 was rejected under 35 U.S.C. §103 as unpatentable over Ross in view of Schneier, *Applied Cryptography*,” 1196, p. 48 (“Schneier”). Claim 24 is dependent on and incorporates the patentable subject matter of independent claim 21, as amended. Applicants respectfully traverse this rejection and submit that Ross in view of Schneier fails to teach or suggest each and every element recited in claim 24.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. Ross in view of Schneier does not teach or suggest *transmitting by the third device a third message to the first device.* As discussed above in connection with the rejection of independent claim 21, Ross does not disclose *transmitting by the third device a third message to the first device.* The Examiner cites Schneier only to suggest one ordinarily skilled in the art might modify Ross to encrypt the second key by a public key.

Schneier does not teach or suggest *transmitting by the third device a third message to the first device*. Therefore, Ross in view of Schneier fails to teach or suggest *transmitting by the third device a third message to the first device*.

Because Ross in view of Schneier fails to disclose, teach, or suggest *transmitting by the third device a third message to the first device*, Applicants submit that claim 24 is patentable and in condition for allowance. Therefore, Applicants request the Examiner to reconsider and withdraw the Examiner's rejection of claim 24 under 35 U.S.C. §103.

### CONCLUSION

In light of the aforementioned amendments and arguments, Applicants contend that each of the Examiners rejections has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims.

Should the Examiner feel that a telephone conference with Applicants' attorney would expedite prosecution of this application, the Examiner is urged to contact the Applicants' attorney at the telephone number identified below.

Respectfully submitted,

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